



**Nursing Care Quality Assurance Commission
MINUTES
May 14, 2004,
Hilton Garden Inn
Spokane, WA 99224**

Commission Members present: Cheryl Payseno, RN, MPA, Chair
Roberta Schott, LPN, Co-Chair
Becky Kerben, LPN
Karen Brewer, Public Member
Rev. Ezra Kinlow, Public Member
Cheryl Payseno, RN, MPA
Judith Personett, Ed.D, RN
Jacqueline Rowe, RN
Marlene Wells, LPN
Mariann Williams, RN, MPH, ARNP

Assistant Attorney General present:
Laura Williams, Assistant Attorney General

Staff present: Terry West, Health Service Consultant
Kris McLaughlin, Secretary
Joan Wilson, RN, Acting Education Manager
Debra Evans, RN, Acting Chief Investigator
Karl Hoehn, Lead Staff Attorney
Betty J Noll, RN, MN, Acting Practice Manager

1. Opening—Cheryl Payseno, Chair

- Call to Order – Cheryl Payseno called the meeting to order on May 14, 2004 at 9:00AM.
- Introductions - Introductions of commission members, staff and audience were made.
 - Cheryl Payseno and Becky Kerben were presented awards for their eight years of service on the Nursing Care Quality Assurance Commission (NCQAC).
- Order of Agenda

DECISION: Recommendations were made to remove the March 30 Education minutes, NPAP decision and annual school report from the consent agenda for corrections. A decision was made to move the US Department of Health and Human Service report from the consent agenda and place it after item #5. Mariann Williams added to her report on the National Council of State Boards of Nursing (NCSBN) report to the findings from the 2003 Employers Survey.

- Correspondence
- Announcements
- Other

2. Consent Agenda—DISCUSSION/ACTION

Items listed under the consent agenda are considered to be routine agency matters and will be approved by a single motion of the Commission without separate discussion. If separate discussion is desired, that item will be removed from the consent agenda and placed on the regular business agenda.

- Approval of minutes
 - March 12, 2004 NCQAC meeting minutes
 - January 20, 2004 Education Subcommittee minutes
 - March 30, 2004 Education Subcommittee minutes

- March 11, 2004 Practice Subcommittee minutes
- March 17, 2004 Practice Subcommittee minutes
- Budget report
- April 25, 2004 Health Professions Quality Assurance (HPQA) section6 Organizational chart
- Faculty Waiver Decisions (2000-2004)
- Nursing Program Approval Panel (NPAP) decisions
- Faculty in Approved Nursing Education Programs report
- Annual School Report – September 1, 2002 through August 31, 2003 report
- Attorney General of Washington opinion 2004 #1
- National Council of State Boards of Nursing (NCSBN) draft statement on use of National Council of Licensure and Examination (NCLEX) for Visa Screen
- U.S. Department of Health and Human Services, Health Resources and Services Administration Comprehensive Nursing Retention Demonstration Project

DECISION: A decision was made and passed to accept all consent agenda items with corrections.

3. **Chair Report – Cheryl Payseno – DISCUSSION**

• **Report**

DISCUSSION: Cheryl Payseno gave a report on the Washington Center for Nursing (WCN). Funding has been secured allowing WCN to proceed with interviewing for an Executive Director. Cheryl reported on the meeting she attended with the AAGs and DOH staff to strengthen communication regarding disciplinary cases. The commission would like another meeting to develop written guidelines. The commission had questions regarding the accuracy of the Biennial report, HPQA regulatory activities.

DECISION: The Disciplinary subcommittee will revise the disciplinary worksheet. The Commission asked the Disciplinary subcommittee to analyze the data in the Biennial report to the Legislature on the Uniform Disciplinary Act (UDA) and report to the HPQA Section 6 office.

4. **Executive Director Report – Paula Meyer - DISCUSSION/ACTION**

- Licensed Practical Nurse (LPN) and Military Training
- Commission Payroll Policy B06.01
- Newsletter update

DISCUSSION:

- Paula Meyer was unable to attend the meeting related to a schedule conflict. Terry West presented the Executive Director report. Terry gave a report on staff updates. Jeanne Giese retired on April 30, Maura Egan resigned, Max Robinette will be retiring May 30 and Sandi Holmes will be transferring to the Medical Care Quality Assurance Commission (MCQAC). Susan Wong, RN has been appointed by the Governor to begin her term on the commission July 1, 2004. There are still openings for the ARNP and LPN positions.
- The April 2, 2004 LPN military training minutes were included in the packets. Paula Meyer will be responsible for pursuing this objective to include an evaluation of the statutory construct, budget, personnel, and logistics.
- Terry West explained the new Commission Pay policy B06.01. This is a Division policy applicable to all 4 HPQA commissions: Chiropractic, Dental, Medical and Nursing commissions.
- Terry West reported a Newsletter will be developed. The task force will meet prior to the July meeting to develop a communication plan and budget. An email from Patty Latsch to all HPQA Executive Directors and commission members on last minute continuances was read and discussed by the commission. The commission would like more clarification from the Office of Professional Standards (OPS). Cheryl Payseno agreed to talk with Patty Latsch for more clarification.
- Mariann Williams gave a report to the commission on the 2003 LPN/VN Practice Analysis, the 2001 Employers Survey and the 2003 Employers Survey from NCSBN. There was discussion on the variance on the RN role and the LPN role. A white paper on

these surveys and the data collection will be sent to member boards. A request was made that the white paper be forwarded to the commission members for review.

DECISION: A copy of the reports will be requested from NCSBN.

ACTION: A motion was made and passed to rescind the existing nursing commission payroll policy dated September 13, 2002. A motion was made and passed to adopt the DOH policy on Commission Pay policy B06.01 dated April 20, 2004.

5. Discussion items - DISCUSSION/ACTION

If items are selected for action and a task force assigned, the group will meet once, complete the charter and then come to the next meeting for decision to proceed.

- CE audits and non compliance with CE requirements

DISCUSSION: Joan Wilson explained the ICNE doctoral program and that the commission does not approve doctoral programs. Joan also explained the annual school report inaccuracies and that there isn't an accurate way to report numbers of how many graduated and passed the NCLEX.

BJ Noll gave a report on the Washington Health foundation/RN retention symposium which she attended on May 7, 2004.

6. Election of Officers – Nominating Committee – DISCUSSION/ACTION

- The NCQAC members will receive the report from the nominating committee. A slate of candidates for the chair and vice chair positions will be presented and voting will occur. The terms from the officers will extend from the July 2004 meeting through the July 2005 meeting. The slate of officers for the Chair and Vice Chair positions are as follows:
 - Chair – Judi Personett and Roberta Schott
 - Vice Chair – Ezra Kinlow and Jackie Rowe

DISCUSSION: Ballots were counted by Debra Evans and BJ Noll.

ACTION: The commission voted Judith Personett as chair and Jackie Rowe as Vice Chair for the term from July 2004 through 2005.

7. Dates of Future Nursing Commission business meetings – Terry West – DISCUSSION/ACTION

- The business meetings for the NCQAC are held on the second Friday of January, March, May, July, September, and November. In March and July, there is an additional workshop day and an additional half day is scheduled in November for further discussion of business items. The meetings in January, March, July and November are held at DOH facilities in Olympia/Tumwater. The May meeting is held in Spokane. The September meeting location is determined on an annual basis. The NCQAC will determine the dates of the meetings to be held from July 2004 through July 2005, and the location of the September 2004 meeting.

DISCUSSION: A suggestion was made to hold the September business meeting in the Tri Cities. There is interest from the Intercollegiate Center of Nursing (ICN) nursing students who are attending the Washington State University (WSU) Tri Cities branch in Pasco.

ACTION: A motion was made and passed to hold the September 10, 2004 commission meeting in the Tri Cities.

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| • September 10, 2004 | WSU Tri Cities ICN branch – Pasco |
| • November 4, 5, 2004 | DOH – Tumwater |
| • January 14, 2005 | DOH – Tumwater |
| • March 10, 22, 2005 | DOH – Tumwater |
| • May 13, 2005 | Hilton Garden Inn – Spokane |
| • July 14, 15, 2005 | DOH - Tumwater |

8. Rules Update – BJ Noll – DISCUSSION/ACTION

- Nursing Technicians
- Nurse Delegation – RN, NA
- Catheterization of Students, K-12
- Nursing Education

DISCUSSION: BJ Noll explained that the CR102 for the Nursing Technician rules was filed on April 16, 2004 and the hearing is scheduled for May 26, 2004. The CR102 for the nurse delegation rules was filed on May 4, 2004 with the hearing scheduled for June 8, 2004. Both hearings will be held at the Tumwater office at 310 Israel Road.

9. Nursing Assistant Caregiver Training Task Force – BJ Noll – DISCUSSION/ACTION

- The NCQAC was directed in statute to compare the nursing assistant, certified, training curriculum and the caregiver curriculum, and then direct nursing assistant training programs to accept common areas of competency. The task force will report on its plan and progress to date. Any recommendations that have been identified will be presented.

DECISION: A correction was made to the comparison of caregiver and nursing assistant competencies taskforce phase one. The Task Force is acting under the direction of Second Substitute Senate Bill 6540 rather than 6544. The NCQAC discussed that this work plan be completed by September 15, 2004. Include the hourly rates for staff (without names) and report back at the July and September meetings.

ACTION: A motion was made and passed to approve the charter with suggested changes.

10. ARNP Scope of Practice Statements – Mariann Williams, BJ Noll – DISCUSSION/ACTION

- Every biennium the NCQAC is to review Scope of Practice statements of the specialties used for ARNP licensure in Washington published by the national certification bodies. A summary of the comparison will be presented. The NCQAC then determines if the scope of practice statements reflect the current practice of ARNP's in Washington or if other action, such as rules changes, are needed. Recommendations will be presented for discussion and possible action.

DISCUSSION: Shannon Fitzgerald provided a table to the NCQAC which lists specialties recognized by the NCQAC, current statement of scope of practice and any changes since 2001. Discussion having a task force to review the law about the scope of practices of ARNP's and referring them back to their national certifying body and then to clarify the rules. A suggestion was made to use the Oregon and Idaho State Boards of Nursing rules as a model. Cheryl Payseno explained the purpose of the NCQAC is not to limit scope of practice. Comments were expressed from Mary Moller, ARNP and Marilyn Butler, ARNP, representing the Association of Advanced Practice Psychiatric Nurses. Copies of their written statements can be requested by calling the NCQAC office at (360)-236-4713.

DECISION: A decision was made to establish a task force consisting of Shannon Fitzgerald, Mariann Williams, Laura Williams, AAG, Victoria Fletcher (as a volunteer), staff from DOH and stakeholders to include one person from each specialty. Mary Muller, has agreed to be on this task force. A CR101 will need to be filed. A Task force charter will be presented in July to the commission for a decision. The charter will include timelines.

ACTION: A motion made and passed to form a task force to revise the ARNP rules.

11. July Workshop Items – Terry West – DISCUSSION/ACTION

- State Ethics training dates and locations
- The NCQAC members will request items for their workshop to be held on July 8, 2004.

DECISION:

- Jean Sullivan, WHPS

Approximately 80-85% of all disciplinary cases have issues with alcohol or drugs. How does this fit into statute when reviewing, what evidence is needed and what are the requirements of the law. Look at substance abuse cases, standards of evidence.

- Karl Hoehn and Cheryl Payseno will work together to provide a presentation on a reviewing commission member responsibility on disciplinary refresher courses, sanction guidelines and how to fill out the forms. Legal and standards of evidence (drugs and Alcohol evidence to be considered in disciplinary cases).
- Patty Latsch, senior health law judge, will talk about granting continuance.
- Commission members requested to meet new staff DOH staff, ie: Mary Selecky, Laurie Jenkins, Bonnie King, Sue Shoblom, DOH staff assigned to NCQAC.

12. Out of State Travel Plan – Terry West – DISCUSSION/ACTION

- According to Department of Health, Health Professions Quality Assurance Policy 102.02, the NCQAC is allowed 10 out of state trips per year. The NCQAC will request members and staff to seek assistant secretary approval at meetings scheduled out of state from July 1, 2004 through June 30, 2005.

DECISION:

- (2) National Council of State Boards of Nursing (NCSBN) =Judy Personett, Roberta Schott (travel paid by NCSBN for Resolution Committee) and Paula Meyer
- (1) Citizen Advocacy Center (CAC) = Ezra Kinlow
- (1)Federation of Associations of Regulatory Boards (FARB)=Debra Evans and Karl Hoehn will make decision on who will attend
- (1)The Council of Licensure, Enforcement and Regulation (CLEAR) = Investigator
- (3) NCSBN midyear meeting = Marlene Wells, Jackie Rowe and Paula Meyer
- (2) NCSBN investigator/attorney summit – Karl Hoehn and Debra Evans will decide on who will attend

ACTION: A motion was made and passed to approve the 2004-2005 out of state travel.

11:00 AM to 11:30 AM Executive Session

- An Executive Session was not needed

1:00PM–OPEN MIKE - Open mike is for public presentation of issues to the Nursing commission. If the public has issues regarding disciplinary cases, please call: 360-236-4727.

- Joan Garner representing Washington State Nurses Association (WSNA), spoke at open mike

13. Position Descriptions – Cheryl Payseno – DISCUSSION/ACTION

- The NCQAC position descriptions for officers and committees will be reviewed. Recommendations for revisions will be presented and the NCQAC will be asked to adopt the revisions.

ACTION: A motion was made and passed to approve the position descriptions with corrections.

14. Continuing Competency Task Force report – Cheryl Payseno – DISCUSSION/ACTION

- A report from the task force will be presented to the NCQAC. Discussion of a plan for the task force will be presented for input.

DISCUSSION: Cheryl Payseno and Terry West provided a project work plan for review, establish and implement a mechanism by which nurses provide evidence of their continuing competency. Task force members would include: Cheryl Payseno, Marianne Williams, Roberta Schott, Karen Brewer, Victoria Fletcher, Jeanne Vincent, Paula Meyer, Karl Hoehn, Terry West (co-ordinator) BJ Noll and representatives from WSNA, NWONE, CNEWS, SEIU/1199MW, UFCW, ARNP's United. A suggestion was made to use a consultant to provide process coordination and facilitation.

DECISION: The commission agreed to begin the continuing competency work plan with Cheryl Payseno as Chair and Marianne Williams as co-chair.

15. Education Subcommittee – Mariann Williams - DISCUSSION

DISCUSSION: No report at this time.

16. Discipline Subcommittee – Cheryl Payseno – DISCUSSION

DISCUSSION: No report at this time.

17. Practice Subcommittee—Roberta Schott—DISCUSSION/ACTION

A. Practice report – Roberta Schott – DISCUSSION/ACTION

1. Since the approval of the Botox position statement at the March 17, 2004, NCQAC business meeting, several requests were received regarding other dermatological procedures performed by nurses for cosmetic enhancement. Recommendation to the NCQAC to direct the Practice Subcommittee to draft a position statement on dermatology procedures performed by nurses - DISCUSSION/ACTION

DISCUSSION: It was suggested to refer requesters to the decision tree.

ACTION: A motion was made and passed to write a letter directing people to the decision tree to include an explanatory paragraph.

2. The Vagal Nerve Stimulator (VNS) draft advisory opinion was presented at the March 17, 2004, NCQAC business meeting. Because of many questions and requests regarding this opinion, the Practice Subcommittee recommended to rescind the February 4, 1999, VNS opinion, and develop a position statement for seizure disorders to include management methods in a variety of settings. Recommendation from the NCQAC to the Practice Subcommittee was to draft a position statement for seizure management - DISCUSSION/ACTION

DISCUSSION: The NCQAC suggested that the Practice Subcommittee revise the existing Advisory Opinion on VNS to consider Nurse Delegation, the new policy, the decision tree and interpretive statements and return a draft to Nursing Care Quality Assurance Commission at the July meeting.

ACTION: A motion was made and passed to rescind the 2/4/99 position statement on Vagal Nerve Stimulator. A second motion was made and passed to re-write position statement on Vagal Nerve Stimulator and bring a draft to the Nursing Care Quality Commission in July.

3. Recommendation to the NCQAC to direct the Practice Subcommittee to revise the Policy on Verification of Licensure to include online verification and revise photocopying procedures - DISCUSSION/ACTION

ACTION: A motion was made and passed to revise policy B01.01 to reflect verification of license with a link to the DOH website for verification. The Practice subcommittee will bring the draft to the July meeting for approval.

4. Recommendation to the NCQAC to direct the Practice Subcommittee to draft the NCQAC policy/procedure on Issuing Interpretive Statements, Advisory Opinions, and Policy Statements - DISCUSSION/ACTION

DISCUSSION: Issuing advisory opinions are very time consuming usually taking 6-12 months to research and develop a document. Many of the questions are quite specific, limited to specific specialty and cannot be answered with the decision tree

ACTION: A motion was made and passed to have the Practice subcommittee

review the DOH policy on Advisory Opinions, Interpretive Statements and Policy Statements and compare with the NCQAC statements so all forms are congruent and make a recommendation to the NCQAC at the July meeting.
A friendly amendment was made that all forms i.e. advisory opinions, interpretive statements and policy statements pertaining to practice be congruent with the policy.

5. Recommendation to the NCQAC to direct the Practice Subcommittee to draft for the NCQAC a revised statement of the purpose for the Practice Subcommittee - DISCUSSION/ ACTION

ACTION: A motion was made and passed to develop a purpose statement.

6. Recommendation to the NCQAC to direct the Practice Subcommittee to draft for the Commission's review and adoption revised position descriptions for officers of the Practice Subcommittee - DISCUSSION/ ACTION

DISCUSSION: Cheryl Payseno is currently revising the position description for the officers of the Practice Subcommittee.

ACTION: A motion was made and passed to revise the position descriptions for NCQAC including the Practice Subcommittee.

B. Advisory Opinion Request – DISCUSSION/ACTION

Request at the March 17, 2004, Practice Subcommittee meeting to revise the Policy Statement for RNs Performing Procedural Sedation and include specific Rapid Sequence Induction medications.

Recommendation to the NCQAC to direct the Practice Subcommittee not to revise the Procedural Sedation statement.

DISCUSSION: The Practice Subcommittee strongly believes the currently posted Policy Statement for RNs Performing Procedural Sedation will guide the use of any appropriately used anesthetic agents for conscious sedation and does not need revision. Mariann Williams requested discussion on the issue of LPNs administering conscious sedation.

DECISION: BJ Noll and Roberta Schott will consult with Frank Maziarski, CRNA professional organization representatives, and other anesthesia organizations to clarify the issue of LPNs administering conscious sedation.

ACTION: A motion was made and passed not to revise the Procedural Sedation statement. A second motion was made and passed to have the Practice Subcommittee clarify if LPNs, with the appropriate training and education, can administer procedural sedation.

18. **Closing – The meeting was closed by Cheryl Payseno on May 14, 2004 at 3:18PM. Minutes were recorded by Kris McLaughlin.**